



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: PUBLIC HEARING TO CONSIDER AMENDMENT TO LODI MUNICIPAL CODE
CHAPTER 5.12 REGARDING CARDROOMS

DATE: December 20, 1995

PREPARED BY: Chief Larry D. Hansen

RECOMMENDED ACTION: Council is requested to conduct Public Hearing to consider the proposed change to Lodi City Code Section 5.12.140 regarding Cardrooms, as identified in Attachment A.

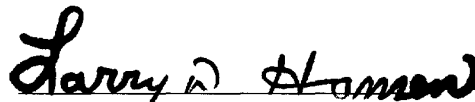
BACKGROUND INFORMATION: The current Lodi City Code Ordinance for Cardrooms was written and adopted on March 2, 1955. This ordinance restricted Cardroom games to Low Ball, Draw Poker, Pan, and Pinochle.

Since March 1, 1991, based on an opinion from the California Attorney General, Dan Lungren, Texas Hold-em and similar games have been allowed throughout California. Currently, most of all card games being played the state wide are these newer versions of the old time honored games. Including the surrounding cities of Stockton, Sacramento, Tracy, Manteca, Oakdale, and Modesto.

This change has been initiated due to a request by Joe Melech, who is proposing to open a Cardroom at the Del Monte Club, 115 N. Cherokee Lane. I have reviewed his request, which has been incorporated into the proposed changes outlined in Attachment A.

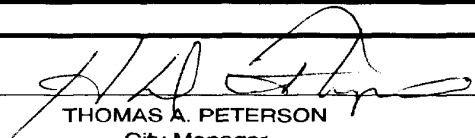
This Public Hearing is to give Council the opportunity to change this Ordinance if so desired.

FUNDING: None


Larry D. Hansen
Chief of Police

cc: City Attorney

APPROVED: _____


THOMAS A. PETERSON
City Manager



recycled paper

ATTACHMENT "A"

PROPOSED CHANGES TO CHAPTER 5.12

CARDROOMS

5.12.140 Rules and Regulations (changed to read)

(B) Any games not prohibited under State law shall be permitted in any card room.

(D) No more than ten (10) players shall be permitted at any one card table.

(omit or change to read)

(J) The cashing of bank checks for players shall be permitted in any card room.

5.12.070 Work (permit) - Required (changed to read)

(B) A temporary card room permit may be obtained from the Chief of Police or his/her designee in accordance with the following:

- (1) A completed "Card Room Dealer Work Permit Application" accompanied by the appropriate fees as established by resolution of the City Council;
- (2) Presentation of California Driver's License or Picture Identification card;
- (3) Completion by the Police Department of a local record check and a check of the State Wanted Person System; and
- (4) Fingerprints to be taken, submitted to and cleared by The Department of Justice.

Upon review of the application, in accordance with the card room work permit provisions set forth in this chapter, the temporary permit may be issued for a period of ninety (90) days. If the fingerprint clearance is not completed within that time, a thirty (30) day extension may be granted. If the card room work permit is granted in accordance with this section, the one year term shall be from the date of the issuance of the temporary permit.



M E M O R A N D U M F R O M T H E
O F F I C E O F T H E C I T Y
A T T O R N E Y

DATE: November 17, 1995
TO: Larry Hansen, Chief of Police
FROM: Randy Hays, City Attorney *Randy Hays*
RE: Card Room Ordinance

Attached to this memo you will find proposed changes to the City of Lodi Card Room Ordinance. I have as well included with the suggested changes the letter from the party suggesting the changes. Initially, when I spoke with Mr. Melech, he had asked that we alter provision 5.12.140 (b) in order that the more modern games that are allowed under the Penal Code could be played in card rooms in Lodi. As you can see his request at the moment is somewhat more broad than that.

Would you please review his request and at your earliest possible convenience and provide me with your responses. Thank you for your attention to this request Larry.

NOV 06 '95

City Manager's Office

**DEL MONTE CLUB CARD ROOM
115 NORTH CHEROKEE LANE
LODI, CALIFORNIA**

November 6, 1995

Mr. Dixon Flynn
City Manager
City of Lodi
Lodi, CA

Re: Card Room Ordinances

Dear Mr. Flynn,

As you know, the current Lodi ordinances for card rooms was written and adopted on March 2, 1955. These ordinances restricted card games to Lo-ball, Draw poker, Pan, and Pinochle. These time honored games were very fashionable in their day, however, times have changed. The old games are no longer holding the appeal that they once had. Currently, many of the Lodi residents are traveling to other neighboring communities to play the newer, desired, games of Texas hold-em and 7 Card Stud. Lodi is losing its revenue!

Since March 1, 1991, based on an opinion from the California Attorney General, Dan Lungren, Texas Hold-em and similar games have been allowed throughout California. Currently, most of all card games being played the state wide are these newer versions of the old time honored games. Including the surrounding cities of Stockton, Sacramento, Tracy, Manteca, Oakdale, and Modesto.

I would like to propose to you a change in the current Lodi Card Room Ordinance. Attached is a list of the proposed changes. These changes will allow the players in Lodi to play those games that they are going to Stockton or Sacramento to play.

Please, help the Lodi card rooms remain competitive.

Thank you in advance for your considerations.

Sincerely,



Joe Melech
Del Monte Club Card Room

Enclosure

PROPOSED CHANGES TO CHAPTER 5.12

CARDROOMS

5.12.140 Rules and Regulations (changed to read)

(B) Any games not prohibited under State law shall be permitted in any card room.

(D) No more than ten (10) players shall be permitted at any one card table.

(omit or change to read)

(J) The cashing of bank checks for players shall be permitted in any card room.

5.12.070 Work (permit) - Required (changed to read)

(B) A temporary card room permit may be obtained from the Chief of Police or his/her designee in accordance with the following:

- (1) A completed "Card Room Dealer Work Permit Application" accompanied by the appropriate fees as established by resolution of the City Council;
- (2) Presentation of California Driver's License or Picture Identification card;
- (3) Completion by the Police Department of a local record check and a check of the State Wanted Person System; and
- (4) Fingerprints to be taken, submitted to and cleared by The Department of Justice.

Upon review of the application, in accordance with the card room work permit provisions set forth in this chapter, the temporary permit may be issued for a period of ninety (90) days. If the fingerprint clearance is not completed within that time, a thirty (30) day extension may be granted. If the card room work permit is granted in accordance with this section, the one year term shall be from the date of the issuance of the temporary permit.

Mr. Flynn,

If at all possible, can this
proposal be heard at the next
council meeting? Time is an
important factor.

I can be reached at home:

209-832-5429

or by mail at:

132 ALBERT CT, TRACY, CA. 95376

Comstock



Casino

LOWBALL PAN POKER
DARTS and POOL
♠ COCKTAILS
♦ 12:00 Noon to 2:00 a.m.
THURS. - FRI. - SAT. 24 HOURS
♥ 125 W. 11th St., Tracy, CA 95376
(209) 832-1111
♣ HOME 832-5429
Joseph Melech

Thank You,
Joe Melech

JOE MELECH

DEL MONTE CLUB CANN ROOM

ORDINANCE NO. 1622

AN ORDINANCE OF THE LODI CITY COUNCIL
REPEALING AND REENACTING LODI MUNICIPAL CODE CHAPTER 5.12,
SECTIONS 5.12.070 AND 5.12.140 RELATING TO CARD ROOMS

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Section 5.12.070 Work Permit - Required - is hereby amended to read as follows:

A. Each cardroom employee must obtain and possess a valid work permit issued by the Chief of Police. "Cardroom employees" for the purpose set forth in this section, means dealers, overseers and others directly connected with the operation and supervision of the cardtables excluding waitresses, bartenders, culinary workers and others not connected with such operation and supervision. Applications for such work permits shall be submitted under oath and contain the past criminal record, if any, of the applicant and such information as may be necessary to determine whether the applicant is a proper person to be employed in a cardroom. The application shall be accompanied by fingerprints of the applicant. A work permit shall be issued only to persons twenty-one years of age or older.

B. A temporary cardroom work permit may be issued by the Chief of Police or his/her designee in accordance with the following:

- (1) A completed "Cardroom Employee Work Permit Application" accompanied by the appropriate fees as established by resolution of the City Council;
- (2) Presentation of California Driver's License or Picture Identification card;
- (3) Completion by the Police Department of a local record check and a check of the State Wanted Person System; and
- (4) Fingerprints to be taken, submitted to and cleared by the Department of Justice.

Upon review of the application, in accordance with the cardroom work permit provisions set forth in this chapter, the temporary permit may be issued for a period of ninety (90) days. If the fingerprint clearance is not completed within that time, a thirty (30) day extension may be granted. If the cardroom work permit is granted in accordance with this section, the one year term shall be from the date of the issuance of the temporary permit.

Section 2. Lodi Municipal Code Section 5.12.140 - Rules and Regulations - is hereby amended to read as follows:

It is unlawful to operate a cardroom in violation of any of the following regulations and rules:

- A. Not more than one cardroom shall be located at any one address.
- B. Only those games permitted by State law pursuant to §330 of the Penal Code of the State shall be played.
- C. Not more than six tables shall be permitted in any cardroom.
- D. Not more than ten players shall be permitted at any one cardtable.
- E. Cardrooms shall be located on the ground floor, and so arranged that cardtables and the players at the tables shall be plainly visible from the front door opening when the door is opened. No wall, partition, screen or similar structure between the front door opening on the street and any cardtable located in the cardroom shall be permitted if it interferes with the visibility.
- F. No minor shall be permitted at any cardtable, nor shall any minor be permitted to participate in any game played thereat.
- G. All cardrooms shall be closed at two a.m. and shall remain closed until ten a.m. of the following date. Cardrooms may be operated seven days a week.
- H. All cardrooms shall be open to police inspection during all hours of operation.
- I. Only table stakes shall be permitted.
- J. The cashing of bank checks for players shall be permitted in any cardroom.
- K. Each cardtable shall have assigned to it a person whose duty shall be to supervise the game to see to it that it is played strictly in accordance with the terms of this chapter, and with the provisions of the Penal Code of the State. This person may have more than one table under his supervision. He shall not, however, participate in the game.
- L. No signs or other insignia advertising or relative to cardrooms shall be permitted upon the exterior of any premises occupied as a cardroom.
- M. There shall be posted in every cardroom in letters plainly visible from all parts thereof, signs stating that no game except lowball, draw poker without variations as defined by Hoyle, pinochle, pangini, rummy and contract or auction bridge shall be played in the cardroom. These signs

shall also contain such information relating to the regulations contained in this chapter as the Chief of Police may require.

- N. No person who is in a state of intoxication shall be permitted in any cardroom.
- O. The sale, purchase, transfer, assignment or pledge of any property, or of any document evidencing title to the same, is prohibited in any cardroom.
- P. The operator or his employees shall not extend credit to a player, nor shall he accept IOU's or other notes, loan money to any person on any ring, watch or other article of personal property for the purpose of securing tokens, chips or other representatives of money as an ante.
- Q. No shills shall engage in card games. This prohibition shall not apply to house players, provided they wear a badge in a conspicuous place, which badge identifies them as employees of the licensee.

Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 1995

DAVID P. WARNER

Mayor

Attest:

JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1622 was introduced at a regular meeting of the City Council of the City of Lodi held December 20, 1995 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1995 by the following vote:

Ayes: Council Members -

Noes: Council Members -

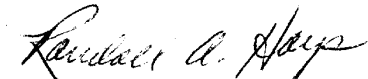
Absent: Council Members -

Abstain: Council Members -

I further certify that Ordinance No. 1622 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: December 20, 1995

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that on **Wednesday, December 20, 1995** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) to consider amendment to Lodi Municipal Code §5.12.140 regarding Cardrooms

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

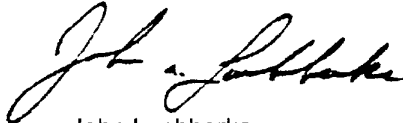
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: December 6, 1995

Approved as to form:


John Luebberke
Deputy City Attorney



DECLARATION OF MAILING

Public Hearing - Amendment of Cardroom Ordinance

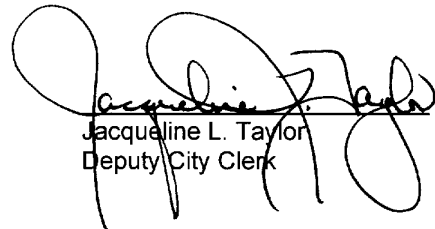
On December 7, 1995 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 7, 1995, at Lodi, California.

Jennifer M. Perrin
City Clerk


Jacqueline L. Taylor
Deputy City Clerk

Mr. Joe Melech
132 Albert Court
Tracy, CA 95376